

DEPARTMENT OF VETERANS AFFAIRS

Office of Inspector General Office of Investigations Washington DC 20420

REPORT OF INTERNAL INVESTIGATION

(b) (7)(C) (b) (7)(C)	August 18, 2016 File #: 51X-2016-010
Department of Veterans Affairs (VA) Office of Inspector General (OIG) (b) (7)(C) 801 Street NW, Washington, D.C. 20001	Status: Complete Distribution: 51X,
Sexual Harassment and Improper Conduct	
SYNOPSIS:	
	I (IG) Michael Missal to initiate this
Several witnesses described (b) (7)(c) as in none supported the allegation that she was se unwelcome touching. Further, (b) (7)(c) the acconduct by (b) (7)(c)	xually harassed or the victim of
The investigation revealed that (b) (7)(C) us intoxicated in the presence of his subordinates sexual harassment or inappropriate contact w	s, but there was no evidence to support

STANDARDS:

OlG GM Directive 329, Reporting and Handling Allegations of Misconduct Against Office of Inspector General Employees: This directive establishes a requirement for employees and managers to report allegations of misconduct and assigns responsibility to the OI, Analysis and Oversight Division (51X), to conduct investigations when warranted.

Source: OIG GM Directive 329, Reporting and Handling Allegations of Misconduct Against Office of Inspector General Employees retrieved from the VA OIG Portal on February 11, 2014 - vaww.portal.oig.va.gov/directives/Forms/OIG%20Directives.aspx

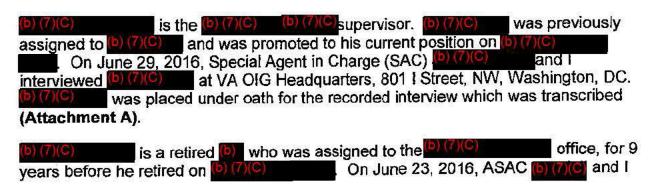
Title 5 Code of Federal Regulations 735.203: Conduct Prejudicial to the Government: "An employee shall not engage in criminal, infamous, dishonest, immoral, or notoriously disgraceful conduct, or other conduct prejudicial to the Government."

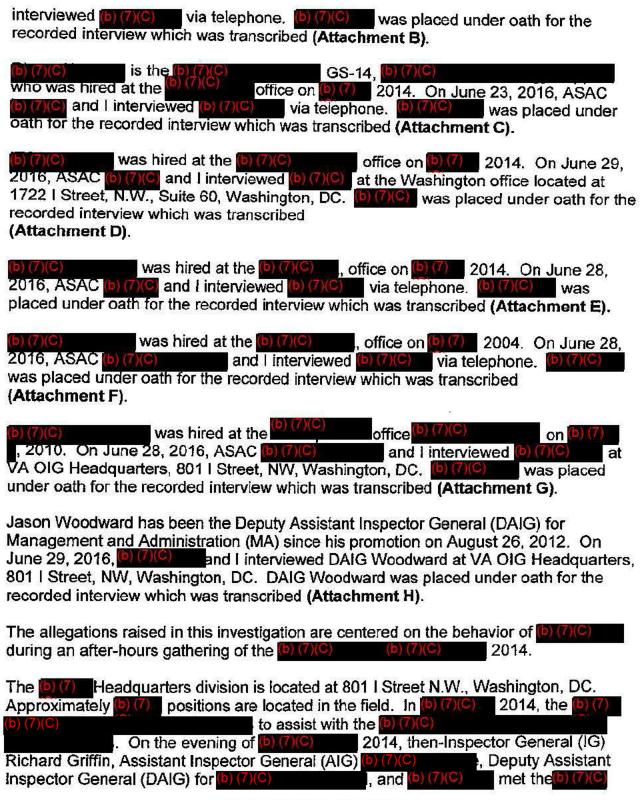
Source: Government Printing Office retrieved from the World Wide Web on February 11, 2014 - http://www.gpo.gov/fdsys/pkg/CFR-2008-title5-vol2/pdf/CFR-2008-title5-vol2-sec735-203.pdf

Title VII of the Civil Rights Act of 1964: Sexual Harassment: Title VII applies to employers with 15 or more employees. Sexual harassment can be unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature that explicitly or implicitly affects an individual's employment. These acts can also rise to the level of sexual harassment when they unreasonably interfere with an individual's work performance or create a hostile or offensive work environment.

Source: Workplace Fairness, retrieved from the World Wide Web July 18, 2016 - http://www.workplacefairness.org/sexual-harassment-legal-rights

BACKGROUND:



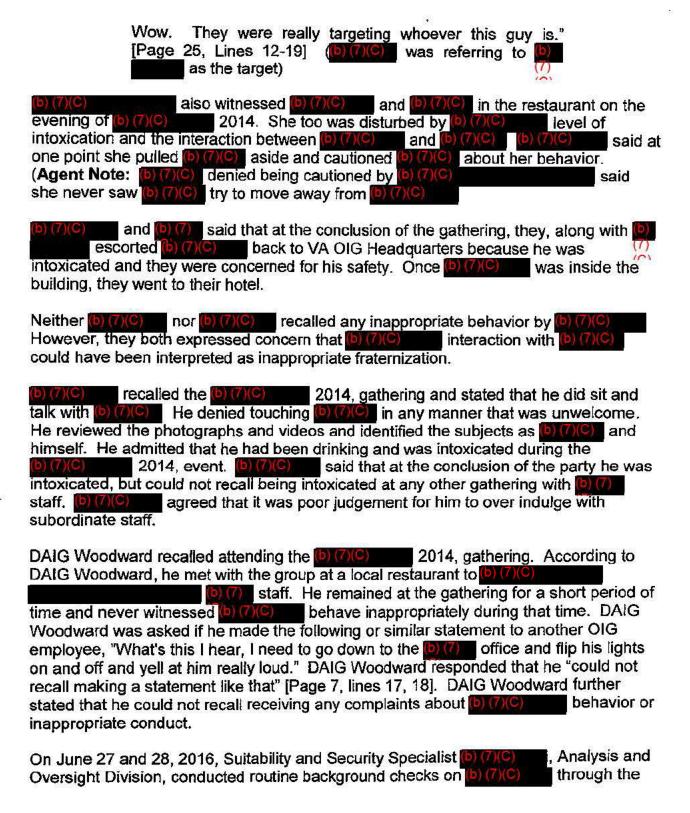


staff at a local restaurant/bar to (b) (7)(C) . After socializing with the group for a short period of time, IG Griffin, AIG(b) (7)(C) departed. (b) (7)(c) remained to socialize with his subordinates DAIG(b) (7)(C) and he consumed alcoholic drinks and food. **DETAILS OF INTERNAL INVESTIGATION:** According to (6) (7)(C) June 5, 2016, e-mail message to IG Missal, during an afterhours gathering, (b) (7)(c) became extremely intoxicated and started "groping and reported that he "observed and witnessed some fondling" (b) (7)(C) very disturbing, inappropriate and unusual behavior like sexual harassment" by (Attachment I). On June 16, 2016, at the direction of IG Missal, Counselor to the IG (CIG) Roy Frederickson telephoned (b) (7)(C) and inquired about (b) (7)(C) allegations, CIG Frederickson memorialized the conversation in his June 16, 2016, Memorandum for the Record (Attachment J). During his June 23, 2016, interview, (b) (7)(c) reiterated the allegations he had made to IG Missal and CIG Fredrickson and added that he witnessed (b) (7)(C) point of intoxication on a previous occasion in 2012 or 2013, but he did not witness any inappropriate conduct with female subordinates. (b) (7)(c) was upset with (b) behavior and drinking to the point of over intoxication in the presence of subordinate employees. (b) (7)(c) stated that he only observed (b) (7)(c) touch b) (7)(C) around her waist. b) (7)(C) provided a compact disk (CD) that contained digital photographs and a video that he took with his cellular telephone during the evening of (b) (7)(c) said the digital files were original, raw images and he had not edited them (Attachment K). He has no other images of the incident. (Agent Note: The photograph and video files are date stamped (b) (7)(c) (b) (7)(C) recalled the event and described it as a work-social event. It was the second time she had seen (b) (7)(C) since she was hired in (b) (7) 2014. (b) (7)(C) said that b) (7)(C) never touched her in an inappropriate, unwelcome manner or made any inappropriate comments during the event. (b) (7)(C) added that both she and (b) were intoxicated and were enjoying each other's company. (b) (7)(C) Was

"But it was nothing -- I, I -- whoever did this, if it was it, this was a set up. This was definitely a set up. This person, boy,

provided with copies of the photographs and videos and she identified the subjects as herself and (b) (7)(c) As she reviewed the photos, (b) (7)(c) became agitated and

stated:



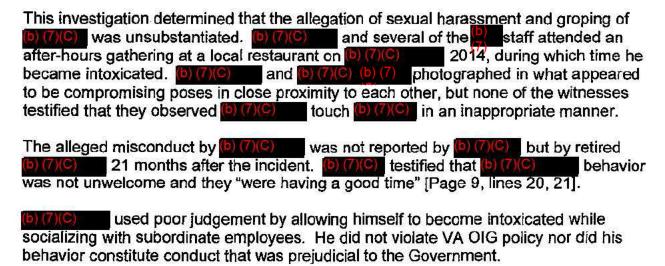
National Crime Information Center and state motor vehicle databases. No derogatory information was found (Attachment L).

Searches of e-mail messages were conducted using the Clearwell eDiscovery software tool for the following individuals:



No derogatory or pertinent information to the investigation was found (Attachment M).

FINDINGS:



Attachments:

A.	(b) (7) transcript
B.	(b) (7) transcript
C.	(b) (7)(C) transcript
D,	(b) transcript
E.	(b) (7) transcript
F.	(b) (7) transcript
G.	(b) (7)(C) transcript
Н.	Woodward transcript
	June 5, 2016 e-mail from (b) (7)
J.	June 16, 2016 Memorandum from Fredrickson
K.	Compact disk with images from (b) (7)
L.,	Documents from background check
M.	August 19, 2016 Memorandum for e-mail searches
N.	Compact discs with transcripts and audio files